

LEGAL REQUIREMENTS FOR SERVING STUDENTS WITH LIMITED ENGLISH PROFICIENCY

OVERVIEW

The U.S. Constitution, federal legislation, federal and U.S. Supreme Court decisions, and federal and state policy protect the education rights of students with limited English proficiency (LEP)¹ and set standards for state and local education agencies to follow in their efforts to provide them with equal educational opportunities.

The laws, court decisions, and policies most relevant to Vermont educators, parents and community members are cited in this chapter. They guarantee five basic rights to LEP students (META, 1991b):

- 1. Right to freedom from discrimination**
- 2. Right to education programs which are responsive to students' language needs**
- 3. States' obligation to protect rights of students with limited English proficiency**
- 4. Rights of parent/guardian(s) of LEP students**
- 5. Right to appropriate special education testing and programs**

For further information on the legal rights of LEP students and their parents in U.S. public schools please refer to the list of legal authorities and references at the end of this chapter.

EDUCATION RIGHTS & OBLIGATIONS

1. Right to freedom from discrimination:

Federal Laws

- “ *U.S. Constitution, Fourteenth Amendment Equal Protection Clause (1868)*--“ . . . No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” Bars states and public schools from denying students their right of access on the basis of race, national origin, alien status, and gender.
- “ *Title VI of the Civil Rights Act (1964)*--“ . . . No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Further prohibits discrimination in student admissions, student access to courses and programs, and student policies and their application.

¹The acronym "LEP" is used in this chapter. It stands for "Limited English Proficiency." Because this term seems to infer that students learning English as a Second Language have a deficiency, a conscious decision has been made to use the acronym "ESL" instead of "LEP" throughout the rest of the handbook. ESL students are at different stages of acquiring English, but are not "limited." In fact, they have a valuable asset in their potential bilingual/bicultural skills. However, the term "LEP" is used in this chapter on legal requirements because it is still used as a federal definition and is quoted here in federal and state laws and policies. Readers still need to be aware of this acronym.

State Law

- “ *Vermont Public Accommodations Act, 9 V.S.A. Section 4502*-- prohibits discrimination in schools on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, and disability. This law is enforced by the Human Rights Commission, which investigates complaints of discrimination in the provision of services, harassment or unfair treatment.
- “ *Vermont State Board Manual of Rules and Practices*--Rule 1250 requires that in order to promote equal educational opportunity, no student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination based on sex, race, color, creed, national origin, sexual orientation or solely by reason of disability or handicapping condition.

Federal Policy

- “ *Office for Civil Rights Memorandum: May 25, 1970; 35 Federal Register 11595 (1970)*-- Requires school districts to take affirmative steps to provide equal access to educational programs for students with *limited proficiency in English*. Prohibits denying access to any instructional programs - whether college preparatory, gifted & talented, vocational, computer, compensatory or special education - on the basis of English language skills. Also prohibits tracking by the school system of LEP students into lower-level ability groups or vocational programs without consideration of students' personal goals. Requires schools to show how segregation of students is preparing them to participate in their other instructional programs. Such programs "must not operate as an educational dead-end or permanent track."

2. Right to education programs which are responsive to students' language needs:

U.S. Supreme Court Decision

- “ *Lau v. Nichols* (1974)--Supreme Court ruled that Title VI of the Civil Rights Act obligates schools to rectify language barriers which hinder limited English proficient students from participating fully in their educational programs. Found that (a) schools were not providing LEP students with "equal educational opportunity" simply by providing them with "the same teachers, facilities, textbooks and curriculum" and (b) gave the Office for Civil Rights the authority to establish compliance regulations.

The Lau decision did not prescribe *specific steps* which a school district must take to accommodate students whose English is limited.

Federal Law

- .. *Equal Educational Opportunities Act (EEOA), 20 U.S.C. Section 1703 (f) (1974)*--As a result of the Lau Decision, the Congress of the United States passed a federal law which sets the standard for determining whether a school district is meeting its legal obligations to LEP students. These standards are found in the EEOA, Section 1703(f). The Act requires that *no educational agency* (school, school district, county, or state department of education) shall deny equal educational opportunity to any student on account of race, color, sex, or national origin. Section 1703(f) defines "the failure by an educational agency to take *appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs*" as a denial of equal educational opportunity (META, 1991b, 2-3).

The Act requires that students with limited English proficiency receive language assistance and academic support which enables them to learn equally from the educational program. However, it does not mandate a specific program for language instruction. Due to the generality of the language in Section 1703 (f), it is necessary to look at federal court decisions for guidance in what constitutes "appropriate action" to help students overcome language barriers that impede their learning.

Federal Court Decisions

- .. *Castañeda v. Pickard*² (1981)--The most important decision interpreting Section 1703(f) of the EEOA is the Castañeda v. Pickard case heard by the Fifth Circuit Federal Court of Appeals. The Court determined that in order to comply with Section 1703(f) *school districts have two basic obligations toward students who are not proficient in English*:
- 1) To provide a language development program through which these students can learn the English language skills of comprehension, speaking, reading and writing necessary for learning and achieving in English-only instruction with their English-speaking peers;
 - 2) To ensure that these same students do not suffer academic losses or setbacks because of their lack of English and that they be given equal access to the same substantive knowledge conveyed through the school/district curriculum provided to that of their English-speaking peers.

²The description of the Castañeda case is taken verbatim from *The Rights of Limited English Proficient Students* (META, 1991b, 3).

The Fifth Circuit Court of Appeals provided standards for determining whether or not a school district has met the obligations of the Equal Educational Opportunities Act, Section 1703(f). These are referred to as the *Castañeda standards*:

1. That the school/district's language development and content area instructional programs for LEP students be based on (a) an educational theory recognized as sound by experts in the field [of English as a Second Language/Bilingual Education] or (b) an experimental theory at least considered legitimate by some experts in the field.
2. That the school/district commit the personnel, materials, training and other resources to make sure that the "sound theory" is carried out as it was meant to be. The court considered well-trained teachers to be the most important of the necessary resources.
3. That the school/district conduct regular ongoing assessment to ensure that the language barriers are actually being overcome as a result of the school district's educational program; and to ensure that while students are learning English they are not suffering academic losses in other subjects as a result of their not speaking English.
4. If the assessment indicates that the students are not learning English and are not keeping up with the other school subjects as a result of the educational program, the program must be changed to ensure that educational goals are met.

Other Circuit Courts of Appeal have adopted these standards as well. Along with subsequent court decisions, they have set a strong precedent for local courts to follow. All schools/districts must fulfill these federal legal obligations whether or not there is state law pertaining to the education of LEP students.

- .. *Keyes v. School District #1 (1984)*--A U.S. District Court found that a Denver public school district had failed to satisfy the standards set by the *Castañeda* case, because it was not adequately *implementing* its chosen program for educating limited English proficient Hispanic students with adequately trained and qualified staff, appropriate curricula and evaluation of results (Lyons, 1988).

Federal Policy

The Office for Civil Rights (OCR) has issued several documents articulating its policies on the provision of educational services to LEP students.³ Collectively, these documents reflect OCR's interpretation of federal legislation, as well as federal and U.S. Supreme Court decisions. The Office for Civil Rights uses these standards when determining whether a school district is in compliance with its Title VI policies for LEP students.

³See Appendix A, p. 15 Legal References for specific U.S. Department of Education/Office for Civil Rights documents.

According to OCR policy statements, school districts must meet the following "**bottom-line**" requirements (Parker, 1993):

- **identification procedures**--identify all limited English proficient students who need an alternative instructional program;
- **assessment**--classify and diagnose the LEP student's present English proficiency to determine the kind and quantity of service to be provided;
- **placement**--once identified and assessed, place in an appropriate instructional program;
- **provision of alternative instructional program**--provide "sufficient and appropriate" direct English language assistance program and content area instruction until the student is able to participate on grade level.

"Appropriate services" means that the program is based on the student's English proficiency needs and current program and instructional practices for second language learners. It ensures qualified staff, sufficient hours of instruction based on student's proficiency level, and adequate facilities. Effectiveness of the program is evaluated periodically to evaluate how well it is working for the student. If the program is not working after a reasonable period of time, it should be modified.

- **monitoring**--assess the student periodically using multiple criteria to determine instructional needs, evaluate progress and reclassify English language proficiency level, and exit from special alternative instructional program when the student meets multiple criteria for fluent English proficiency. Monitor the student after exit from the ESL program to ensure successful transition.

A publication of the National Committee for Citizens in Education entitled "*Rights of Students with Limited English*" specifies other educational rights of LEP children which are consistent with OCR policy. These include the right . . .

- "to receive special English language instruction regardless of the number of LEP students in the school;
- to be given tests, free of cultural bias, and to be tested in their own language for initial screening and assessment purposes or special education evaluation;
- to be placed in special education classrooms only when there is a disability and not because of limited English;
- to be placed in a classroom appropriate to their age, grade level and abilities;

- to attend regular classes in art, music, and physical education;
- to participate in extracurricular activities and vocational training programs;
- to remain in a special program for as long as needed;
- to attend a regular classroom when the student is proficient in English."

State Policy

- Two memos issued by the Vermont State Department of Education interpret federal law regarding the right to education programs which are responsive to the needs of ESL students.
- .. *Commissioner Mill's 5/7/91 Memo* (Appendix A, p. 11) to school districts provides a summary of legal responsibilities for serving ESL students. A follow-up memo on 3/1/94 (Appendix A, p. 10) states that all school districts are required to have a policy and procedures.

3. States' obligation to protect rights of students with limited English proficiency:

Federal Court Decisions

- .. *Idaho Migrant Council v. Board of Education* (1981)--The Ninth Circuit Court of Appeals held that state educational agencies (SEAs) are also covered by Section 1703(f) of the EEOA and are thus obligated to take "appropriate action to overcome language barriers that impede equal participation by students in state public schools" (NCAS, 1991).
- .. *Gomez v. Illinois State Board of Education* (1987)--The Seventh Circuit Court of Appeals concurred with the Ninth Circuit in *Idaho Migrant Council v. Board of Education* that state education agencies (SEAs), as well as local education agencies (LEAs), are required to ensure that the needs of LEP children are met and that equal educational opportunities are provided in the public schools statewide (NCAS, 1991).

4. Rights of parents/guardians of LEP students:

Federal Policy

- .. *May 25th Memorandum; 35 Federal Register 11595 (1970)*--Explained that Title VI is violated when parents/guardians whose English is limited do not receive notices and other information from the school in a language they can understand.

The publication of the National Committee for Citizens in Education entitled "*Rights of Students with Limited English*" specifies other rights of parents/guardians which are consistent with OCR policy. Parents have the right . . .

- "to insist that the school provide language assistance services as required by law;
- to be informed of:
 - the reasons why their child needs a language assistance program
 - the nature of the program and alternative programs which might be available
 - the educational objectives of the program
 - the progress of their child in such a program;
- to refuse to have their child participate in a language assistance program;
- to request a translator from the school for parent/teacher conferences, meetings with the school principal, or for any communication between them and the school, if needed;
- to organize into groups, and participate in advisory councils;
- to request implementation, expansion or improvement of existing programs."

5. Right to appropriate special education testing and programs:

Federal Law

- .. *Individuals with Disabilities Education Act (IDEA) (1991) 20 U.S.C. 1401 et seq.*-- requires non-biased, multidimensional assessment, including culturally and linguistically appropriate testing and evaluation materials; procedures administered by qualified personnel in the child's primary language or mode of communication; "due process procedures, including notification to parents in their native language, parents' permission for individual evaluation, and parental involvement and approval of their child's individual educational program" (Ambert, Dew, 1982).
- .. *Section 504 of the Rehabilitation Act (1973) 29 U.S.C. Section 706*-- requires:
 - 1) the provision of a free, appropriate public education (i.e., regular or special education and related aids and services that are designed to meet the individual educational needs of disabled persons);
 - 2) that tests to determine eligibility accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than speaking skills;

3) that in interpreting evaluation data and in making placement decisions, information shall be drawn from a variety of sources, including social or cultural background, and adaptive behavior.

State Law

- “ *Vermont State Board Manual of Rules and Practices; Vermont State Regulations on Special Education*,--Rule 2362.2.5 requires that special education evaluation procedures be provided and administered in the native language of the student when feasible and that evaluation procedures be selected and administered to as not to be racially or culturally biased.

Federal Court Decisions

- “ *Jose P. v. Ambach (1979)*-- expanded the rights of language minority children "to require the consideration of linguistic and cultural factors in their evaluation for placement and in the actual provision of special education instruction" (Ambert & Dew, 1982).
- “ *Diana v. State Board of Education(1973)*-- "established that testing be done in the child's primary language, the use of 'nonverbal tests', and the requirement to obtain extensive supporting data to justify special education placement" (Kretschmer, 1991).
- “ *Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986)*--barred California school districts from using IQ tests in assessment of African-American pupils referred for special education on the grounds that the IQ tests were racially and culturally biased.

Federal Policy

- “ *May 25th Memorandum, 25 Federal register 11595 (1970)*-- announced the Office for Civil Rights' overall policy on the issue of special education with regard to LEP students, i.e. that school systems may not assign students to special education programs on the basis of criteria that essentially measure and evaluate English language skills. Stated that both Section 504 and Title VI legal requirements must be considered when conducting investigations on this issue.
- “ *September 1991, Office for Civil Rights' Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (LEP students) (1991)*-- discusses OCR policy on conducting compliance reviews regarding the issue of placement of LEP students into special education programs where there are indications that LEP students may be inappropriately placed in such programs, or where special education programs provided for LEP students do not address their lack of English proficiency. States that compliance prohibits policies of "no double services": that is, refusing to provide both alternative language services and special education to students who need them.

- “ *Office for Civil Rights' Booklet: The Provision of an Equal Education Opportunity to Limited English Proficient Students (1992)*--recommends steps for preventing misplacement of LEP students in special education due to limited English skills rather than an exceptionality; these include assessing in student's primary or home language and ensuring that accurate information regarding the student's language skills in English and the student's primary language is taken into account in evaluating assessment results.

State Policy

- “ *Vermont State Department of Education Internal Memo regarding relationship between ESL and Special Education (1990)*--outlines additional protections under IDEA and Section 504 for ESL students. Discusses issues of notice/consent; evaluation; placement and provision of services.

MEMORANDUM

TO: Superintendents and Principals for Distribution to all School Districts

FROM: Richard P. Mills, Commissioner of Education

DATE: March 1, 1994

RE: Limited English Proficient (LEP) Students

The Federal Office for Civil Rights (OCR) recently investigated a Vermont school district and found that it did not have proper policies and procedures for identification, assessment, and programming for limited English proficient students, as required by Title VI of the Civil Rights Act of 1964. Because the State Department of Education has an affirmative duty to enforce the civil rights of all students, including limited English proficient students, and because of the OCR finding, I am issuing this memorandum as a reminder of the legal responsibilities of school districts in this area.

I am asking that you review my Memorandum of May 7, 1991 and OCR's memorandum of September 27, 1991 (attached hereto) which outline the responsibilities of local school districts towards this population of students. Each district is **required** to have policies and procedures in place, that show how the school district will meet the needs of limited English proficient students. **The district must be able to demonstrate that the method of instruction utilized gives limited English proficient students a meaningful opportunity to participate in and benefit from educational programming at school.** This includes taking affirmative steps to enable students to overcome language barriers. Policies and procedures are required whether or not the school district currently has students needing these services.

In conjunction with the UVM Rural Education Center's Language and Cultural Affairs Program, the Department of Education will, in the summer of 1994, issue a handbook containing guidelines and resource information that should be helpful to you in developing appropriate procedures for educational services to LEP students. The handbook will also include a guide for writing a policy and procedures for your school district or supervisory union. In the meantime, and afterward, the Language and Cultural Affairs Program is available for technical assistance.

As a means of enforcement of students' civil rights with regard to national origin, race, color, and gender, I am appointing Karen Richards as the Civil Rights Enforcement Officer for the State Department of Education. In this role, Attorney Richards will investigate complaints and make recommendations concerning compliance issues.

Beginning April 1, 1994 and continuing indefinitely, the Department will be conducting surveys of each school district to make sure that policies and procedures are in place. This survey will be done by department personnel when they visit school districts. The survey will consist of checking to see whether districts have policies and procedures for Title VI, including LEP, Title IX, section 504, ADA, etc.. The survey will be used to gather information and focus technical assistance. No negative consequences will be attached to districts who are not in technical compliance. However, beginning three months from the date that the Handbook is made available to school districts, the department will begin monitoring for compliance with LEP and Title VI requirements. School districts that fail to comply with the mandate, at that time, will be subject to corrective action, including possible withholding of federal funds.

I hope you will take this opportunity to review and make necessary adjustments to your policies and procedures. As always, if we can be of assistance, please do not hesitate to contact the Department.

enc. Commissioner Mill's Memorandum dated May 7, 1991

OCR Memorandum dated September 27, 1991

State of Vermont
Department of Education

MEMORANDUM

TO: Superintendents of Schools
FROM: Richard P. Mills, Commissioner
DATE: May 7, 1991
SUBJ: The Education of Language Minority Students

As the diversity of Vermont's population increases questions have arisen about the responsibility of a school district with regard to the education of students enrolled in their public schools who are not proficient in English. This memorandum provides a general summary of the legal responsibilities of a school district whenever a student is enrolled who is not fully proficient in English.

Language minority students attending public schools must be given a meaningful opportunity to participate in and benefit from educational programming at school. Under federal and state law school districts are prohibited from discriminating against a student on the basis of national origin. Accordingly, a student may not be excluded from participation in, or be denied the benefits of, any school program or activity on the basis of the student's national origin. In addition, school districts must take affirmative steps to enable students to overcome language barriers in the classroom. The affirmative steps required include identification and assessment of non-English proficient (NEP) and limited English proficient (LEP) students as well as the provision of adequate language development programs.

1. Identification

All students who are from a non-English language background must be identified. Many school districts are currently using the Home Language Survey that is available through the Rural Education Center's Language and Cultural Affairs Program to identify these students.

2. Assessment

- a) Each student from a non-English language background must be assessed with accurate instruments to determine the student's level of English proficiency. Best practices indicate that it is advisable to also conduct an assessment of the student's native language proficiency as well as content knowledge as this information will assist in determining the student's English proficiency as distinguished from other learning difficulties.
- b) An individualized program and placement must be developed for the student in a specially designed language support program such as an English as a Second Language (ESL) instructional program. The instructional program must be based on sound second language pedagogy and sound educational practices for meeting the individual needs of NEP and LEP students.

3. Appropriate Services

- a) An appropriate and adequate language support program must be provided to NEP and LEP students. Meaningful content area instruction must also be provided.
- b) Educational personnel who are hired to teach language support programs to NEP and LEP students must be qualified to teach second language learners. Likewise, adequate training and professional support for these educators should be provided. (Note: At this time no specific license endorsement is required by state law in order to teach English as a Second Language. However, educational personnel should have some formal training in teaching second language learners to be considered qualified.)

4. **Monitoring**

- a) Appropriate criteria must be developed and used to periodically assess a student's progress while receiving language and academic support services.
- b) Procedures must be developed and used to formally determine when a student is no longer in need of language and academic support services.
- c) Post service monitoring is required to ensure that the student is successfully transitioned into mainstream classes.
- d) The efficacy of the academic and language support programs being used to educate NEP and LEP students must be evaluated periodically.

If the program developed for a NEP or LEP student as determined by periodic evaluation is not successful, then the program must be revised. The school's program must ensure that the student has a meaningful opportunity to benefit from educational programming to the same extent as fully proficient students including, but not limited to, providing the student with the opportunity to work toward a high school diploma. Likewise, language minority students should not be segregated. Also, the learning materials and facilities that are provided for their use must be appropriate to the needs of second language learners and must be as adequate as those provided to English proficient students. NEP and LEP students should be placed with their age appropriate peers to the extent that is possible.

Finally, if you have concerns about whether language minority students in a particular school district are being provided with a meaningful opportunity to participate in education as required by law, consider the following questions.

- 1) Has the school designed a program which is based on a sound educational theory?
- 2) Has the school pursued its program with adequate resources, personnel and practices?
- 3) Has the program achieved satisfactory results?

Castañeda v. Pickard, 648 F2d 989 (5th Circ. 1981)

The failure of a public school to take affirmative steps to overcome language barriers in the classroom constitutes discrimination. Discrimination, even if unintentional, is against the law. The occurrence of an unreasonable delay in student assessment or in the provision of language development programs is discriminatory. Likewise, the provision of an inadequate or insufficient program is discriminatory. Accordingly, it is advisable for a school district to have procedures in place for how to respond when a language minority student enrolls in school. The plan should identify those resources in the local region which may be available to assist school personnel in developing an appropriate program and placement for a NEP or LEP student.

For more information or technical assistance contact:

The Rural Education Center
Language and Cultural Affairs Program
500 Dorset Avenue
Burlington VT 05403
(802) 658-6342

Please reference the following materials for more information about laws pertaining to the education of language minority students.

Lau v. Nichols, 94 S.Ct. 786 (1974)

Castañeda v. Pickard, 648 F2d 989 (5th Circ. 1981)

The Equal Education Opportunities Act, 20 U.S.C. section 1703(f)

The Civil Rights Act of 1964, 42 U.S.C. section 2000(d),

continued...

The Bilingual Education Act, 20 U.S.C. section 3221, 34 C.F.R. part 100
Vermont Public Accommodations Law, 9 V.S.A. section 4502(a) (1987),
Vermont State Board of Education Manual of Rules and Procedures, Rule 1250

Pottinger, J. Stanley, Director, Office for Civil Rights

Department of Health and Welfare, "Memorandum to School Districts with More than Five Percent

National Origin Minority Group Children regarding Identification of Discrimination and Denial of Services on the Basis of National Origin," (May 25, 1970)

"Office for Civil Rights Title VI Language Minority Compliance Procedures" (December 3, 1985)

Appendix A
RESOURCES ON LEGAL REQUIREMENTS

ORGANIZATIONS

MULTICULTURAL EDUCATION, TRAINING AND ADVOCACY (META), INC.

240-A Elm Street, Suite 22
Somerville, MA 02144

Contact: Roger Rice, Esq.
TEL: (617) 628-2226

NATIONAL COALITION OF ADVOCATES FOR STUDENTS (NCAS)

100 Boylston Street, Suite 737
Boston, MA 02116-4610

TEL: (617) 357-8507

OFFICE FOR CIVIL RIGHTS (OCR), REGION I

U.S. Department of Education
J.W. McCormack Post Office and Courthouse
Room 222
Boston, MA 02109-4557

Contact: Robert Pierce
TEL: (617) 223-9662

VERMONT DEPARTMENT OF EDUCATION

Commissioner's Office
120 State Street
Montpelier, VT 05620

Contact: Karen Richards
TEL: (802) 828-3135

VERMONT HUMAN RIGHTS COMMISSION

133 State Street
Montpelier, VT 05633-6301

TEL: (802) 828-2480

VERMONT SCHOOL BOARDS ASSOCIATION

2 Prospect St
Montpelier, VT 05602

TEL: (802) 223-3580

LEGAL REFERENCES

Castañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981).

Civil Rights Act of 1964, Title VI, section 601, 42 U.S.C.A. section 2000d.

Diana v. State Board of Education (1973)

Elementary and Secondary Education Act, Title VII, Bilingual Education Act of 1968,
20 U.S.C. section 3221 et seq. (Supp. 1984).

Elementary and Secondary Education Act, Title VII, Federal Chapter 1; Compensatory Education Program,
20 U.S.C. 2701 et seq.

Elementary and Secondary Education Act, Title VII, Federal Chapter 1; Programs for Migratory Children,
20 U.S.C. 2781-2783.

Equal Educational Opportunities Act of 1974 (EEOA), 20 U.S.C. section 1703(f) (Supp. 1984).

Gomez v. Illinois State Board of Education (1987)

Idaho Migrant Council v. Board of Education (1981)

Individuals with Disabilities Education Act (IDEA) (1991), 20 U.S.C. 1401 et seq.

Jose P. v. Ambach, 3 EHLR 551 (E.D.N.Y 1979)

Keyes v. School District No. 1, 576 F. Supp. 1503 (D.Colo. 1983)

Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986)

Lau v. Nichols, 414 U.S. 563 (1974).

"*May 25th Memorandum*"; 35 Fed Register 11595 (1970)

U.S. Constitution, Fourteenth Amendment Equal Protection Clause (1868)

Vermont Public Accommodations Act, 9 V.S.A. Section 4502

Vermont State Board Manual of Rules and Practices; Vermont State Regulations on Special Education, section 2360.1

Vocational Rehabilitation Act of 1973, §504, 29 U.S.C.A., §794; P.L. 93-112.

OCR POLICY

U.S. Department of Education. (n.d.). *Fact Sheet--OCR Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency*. Washington, DC: Office for Civil Rights.

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